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1938

# FISHING CONTROL

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5	FISHING CONTROL. Initiative measure presented to, and not acted on by, Legislature. Adds new section to Fish and Game Code. Prohibits operation in State waters of fishing boats which deliver fish, mollusks or crustaceans, wherever caught, to points beyond State waters, unless such delivery is permitted by State Fish and Game Commission. Authorizes Commission to issue revocable permits for such delivery; declaring it shall issue no permits which will tend to deplete the species or result in waste thereof or obstruct the operation of any law. Provides for penalties, seizures and forfeitures for violation.	YES	
		NO	

(For full text of measure, see page 13, Part II)

#### Argument in Favor of Initiative Proposition No. 5

The measure will enable California to protect its marine fishery resources from unregulated and destructive exploitation and prevent evasions of the State's conservation laws.

Due to unlimited demand for reduction products of the California sardine (oil, fish meal, and fertilizer), the State years ago realized that to prevent California's fishery resources from being destroyed, it was necessary to impose limitations on the use of fish in reduction plants.

Several years ago certain persons conceived the idea of placing reduction plants on old ships and moving them just beyond the three-mile limit to escape restrictions of the California laws, and to avoid payment of fish tonnage taxes. Six years ago only two reduction plants operated beyond the three-mile limit. In 1937 there were nine.

Such floating reduction plants are supplied by fishing boats which operate out of California's harbors. Sardines being taken at night in the dark of the moon, it is impossible to determine whether they are caught within the three-mile State waters or on the high seas. According to the Fish and Game Commission, a large portion of the fish used by floating reduction plants are taken within the State's territorial waters and so long as these fishing boats are permitted to deliver fish without restriction to high seas reduction plants, it is impossible to exercise control over the fishery.

This measure prohibits fishing boats which supply floating reduction or other plants beyond the State from operating in California waters except under permit by the Fish and Game Commission. In the opinion of experts of the Commission, the Attorney General's office, and other legal and fishery experts, this measure is the most practicable and only legal

way in which California may prevent this law evasion and threatened destruction of her fishery. The Attorney General has upheld the validity of the measure.

This measure has been strongly endorsed by the Fish and Game Commission, by the Governor, and Lieutenant Governor, by all leading conservation societies, by more than 700 clubs, associations, chambers of commerce, the American Legion and other patriotic organizations. At the last session of the Legislature a bill similar in all respects was passed by the Senate by a vote of 29 to 8. The measure was subsequently tabled in the Assembly committee.

The sardine is California's most important and valuable commercial and food fishery. It is also an important if not the principal source of food supply of ocean game and other species. Its abundance has greatly decreased. The take has dropped from 727,398 tons in the season of 1936-1937 to 420,168 tons last season. What has happened to sardines may happen to other species.

The contentions that some different measures should be adopted, that this measure is "monopolistic" and will "put people out of business" are but the smoke screen and false cries of those who seek to flout California's laws and destroy her fishery for selfish gain.

Save California's fishery.

VOTE "YES."

SANBORN YOUNG,  
Senator, Eighteenth District.

C. R. DANIELSON,  
Past President, Associated  
Sportsmen of California.

DR. HENRY C. VEATCH,  
Treasurer, Fish and Game  
Development Association.

**Argument Against Initiative Proposition  
No. 5**

Your support for this measure is ingeniously caught by the title "FISHING CONTROL" whereby you are led to think it a measure for conserving the fish resources of California. Such, however, is not the case. The measure is sponsored by a selfish monopolistic fish canning industry which seeks to perpetuate its monopoly and thereby increase prices of fish meal used by practically every poultry producer, dairyman, livestockman and farmer. The voter is the ultimate consumer of all their products and is the victim of higher monopoly prices.

The California Legislature has refused again and again for eight years to assist these selfish interests in their attempts at monopoly. In fact, this very measure was presented to the 1937 Legislature and after full hearings was defeated when its un-American purpose was disclosed and the real facts were revealed, showing that the monopolistic interests were sponsoring and financing it under the guise of innocent sportsmen. Not only has our Legislature defeated these operators in their attempts at monopoly but also the Federal Government under the NRA in 1934 and Congress itself in 1936, and likewise the states of Oregon and Washington.

Organized labor has consistently opposed this vicious program which would throw thousands of men out of work.

As you have noticed from reading the measure, it would extend the jurisdiction of the Fish and Game Commission to the entire Pacific Ocean from the Arctic to the Antarctic, from China to Mexico. This is done by requiring a permit of any fishing boat to deliver fish outside of California if such fishing boat at any

time or for any purpose comes within California. This would mean that if a fishing boat were legally engaged within the State of Oregon in delivering fish caught on the high seas to a port in Oregon and such fishing boat should come into a California port for repairs or supplies, without first having obtained a permit from the commission, then the boat would be subject to forfeiture.

This drastic punishment of forfeiture is another reason why you should vote "NO" on this measure. It specifically subjects a fisherman's boat and equipment, which is often worth upwards of \$40,000, to forfeiture for a violation of the measure even if the boat never catches or delivers a pound of fish in California. Although the measure makes its violation a misdemeanor and thereby the equivalent of a violation of an automobile parking ordinance, the forfeiture provision is as unreasonable as if a parking ordinance required the forfeiture of the automobile itself. The measure does not give a court any discretion but requires that the boat and its equipment "shall be forfeited."

The voter should follow the example of the Legislature and vote "NO" on this measure.

**W. B. ROBY,**  
Gen. Mgr., San Joaquin Valley  
Poultry Producers Assn.,  
Porterville, California.

**JAMES R. LOCHHEAD,**  
Secretary, Fishermen's Produce  
Co.,  
Monterey, California.

**LYMAN HENRY,**  
Attorney at Law,  
San Francisco, California.